



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,824	11/07/2000	Edward Howorka	P/3331-111	1358

7590 05/03/2005

STEVEN I. WEISBURD, ESQ.
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS - 41ST FLOOR
NEW YORK, NY 10036-2714

EXAMINER

BEACH, THOMAS A

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/707,824	Applicant(s) HOWORKA, EDWARD	
	Examiner Thomas A Beach	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed 12/13/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

A

DETAILED ACTION

Election/Restrictions

1. The restriction of claims 37-60 has been withdrawn and claims 37-60 have been considered on the merits in this office action.

Priority

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Claim Rejections - 35 USC § 102

3. Claims 9-13, 17-19, 35-40, 43-48, and 54-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Togher et al 5,375,055. Togher shows a process for displaying quotes on a trader screen in an automated system that includes a plurality of traders with some having bilateral credit with one another (those being trading counterparties) displaying a quote by a first trader and providing indication of the quote being accepted

Art Unit: 3671

by more than one but less than all of the counterparties (col. 3, lines 1-21, figures 2-4).

Togher shows that the first trader's trading counterparties can accept the first traders' quote if it is the best available (abstract, col.3 lines 1-21; claims 10, 19, 38, 46 and 56) if it is the best price available (claims 11, 35, 39, 47 and 57-61) or equal in price to another quote that is first in time relative to another quote (col. 13, line 55-59; claims 12 and 48). Togher shows the traders having bilateral credit with one another has an evolving credit status that is determined in real time in order to remain a trading counter party (col. 1, lines 55-68; claim 13). Togher shows the determination of the number of trading counterparties, determining a percentage who can accept the quote and providing the indication to the first trader when the percentage is greater than or equal to a predetermined percentage (col. 12, lines 31-51) and determining the number of counterparties who can accept the quote and comparing that number to the total number where the trading floor contain one or more individuals and the trading floor grants credit to the other trading floor (col. 4, lines 12-36 & figure 1; claims 17, 43 and 54) and the traders are individuals (figure 5; claims 18, 55, and 64).

As concerns claim 61 and 63, Togher shows the first trading entity has bilateral credit with another trading entity as a function of an amount of remaining credit a first credit granting entity, which is associated with the first trading entity, has extended to a second credit granting entity, which is associated with the other trading entity (col. 1, lines 55-68).

As concerns claim 62, shows the first and second credit granting entities are respective trading floors (figure 1).

Claim Rejections - 35 USC § 103

4. Claims 14-16, 20-34, 41-42, and 49-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Togher et al 5,375,055 in view of Galant 6,839,686. Togher does not display the percentage of those with bilateral credit; however, Galant is a similar process for displaying quotes on a trader screen in an automated system where the percentage of winners and loser or in this case the number of eligible traders with bilateral credit are displayed. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Togher, as taught by Galant, to display the percentage of possible traders, thus improving the information from which a trader can make an informed yet decisive decision to trade or not. Togher shows that the first trader's trading counterparties can accept the first traders' quote if it is the best available (abstract, col.3 lines 1-21; claims 21 and 32) if it is the best price available (claim 22) or equal in price to another quote that is first in time relative to another quote (col. 13, line 55-59; claim 23). Togher shows the determination of the number of trading counterparties, determining a percentage who can accept the quote and providing the indication to the first trader when the percentage is greater than or equal to a predetermined percentage (col. 12, lines 31-51; claim 25) and determining the number of counterparties who can accept the quote and comparing that number to the total number (abstract; claim 15) where the trading floor contain one or more individuals and the trading floor grants credit to the other trading floor (col. 4, lines 12-36; claim 30) and the traders are individuals (figure 5; claim 31). Togher shows, in figures 2-4, that

screens are used to graphically display data in specific fields utilizing the EBS system such as calculated percentages (claim 27-29 and 51-53).

As concern claims 16, 26 and 50, the percentage who can accept the quote and providing the indication to the first trader when the percentage is greater than or equal to a predetermined percentage of 25% is considered obvious to one of ordinary skill in the art since the examiner takes Official Notice that this particular percentage is arbitrary and requires on routine skill in that art to arrive and this percentage.

Response to Arguments

5. Applicant's arguments with respect to claim 9 and 20 of Tougher are noted; however, on lines 10-13 of column 1, the use of bilateral or established credit is disclosed. Regarding the percentage for possible buyer being produced is one of ordinary skill in the art as noted above in the rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A Beach whose telephone number is 571-272-6988. The examiner can normally be reached on Monday-Thursday, 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9306 for regular communications and 703.872.9306 for After Final communications.

Art Unit: 3671

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.4198.

Thomas A. Beach

May 2, 2005

THOMAS A BEACH
Patent Examiner
Group 3600